INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

April 8, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Richard Graddock, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Tax Collector - Occupational License Division

FROM: John W. Dame
Chief Deputy Clerk

RE: **PALM BEACH COUNTY ORDINANCE DISTRIBUTION**

ORDINANCE NO.87-4

TITLE REFERENCE:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE OCCUPATIONAL LICENSING ORDINANCE OF PALM BEACH COUNTY

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is **April 6, 1987.**

JWD:lc

attachment

cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 820-2959.

ORDINANCE NO. 87-4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE OCCUPATIONAL LICENSING ORDINANCE OF PALM BEACH COUNTY, FLORIDA BY AMENDING SECTIONS 31½-7, 31½-8, 31½-28, 31½-31, 31½-51, 31½-52, 31½-55, AND 31½-56; PROVIDING FOR DELETION OF SECTIONS 31½-9, 31½-32, 31½-42, 31½-54, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDILNG FOR EFFECTIVE DATE.

WHEREAS, the Division of Occupational Licensing of the Office Tax Collector for Palm Beach County has reviewed the existing Occupational Licensing Ordinance and determined that several sections pertaining to fees should be amended; and

WHEREAS, the Division of Occupational Licensing has further detemined that certain sections of the ordinance are now obsolete as certain state and federal agencies regulate same; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that it is in the best interests of the people of Palm Beach County to provide for the proper licensing of certain occupations within Palm Beach County,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1.

Palm Beach County Ordinance 72-7 as amended, and in particular sub-section 7 and Section 31½-7 of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

Any person who, in applying to the tax collectior for a license based upon capacity, number of persons employed, or any other contingency, shall make a false statement ~~under oath~~ of capacity, number of persons employed, or other contingency, shall be deemed guilty of a second degree misdemeanor and punished ~~accordingly~~ in accordance with Florida Law.

SECTION 2.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 8 and Section 31½-8 of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

~~The tax collector shall fill out and sign each license before issuing the same to the person paying him the necessary amount therefor.~~ The tax collector shall make a duplicate of each license issued. The person obtaining the license shall keep the same displayed conspicuously at the place of business and in such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the county. Upon faiure to do so he shall be subject to the payment of another license tax for engaging in or managing the business ~~of~~ or occupation for which the license was obtained. If the payment of a license is made to the department of banking and finance, department of insurance or department of revenue, the license shall be issued by the office to whom the payment must be made.

SECTION 3.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 9 and Section 31½-9 of the Code of Laws and Ordinances of Palm Beach County is hereby deleted in its entirety:

~~The collector of such tax shall report to the department of revenue monthly on such forms prescribed and provided by the department the amount of tax received by class and the apportionment of such tax between the local governing authorities within said county.~~

SECTION 4.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 16(a) and Section 31½-16(a) of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

(a) All confirmed ~~cripples~~ handicapped persons or invalids physically incapable of manual labor, widows with minor dependents, and persons sixty-five (65) years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of one thousand dollars ($1,000.00) and who are residents of Palm Beach County shall be allowed to engage in any lawful business or occupation in Palm Beach County without being required to pay for a license; except

that this exemption shall not apply to any of the occupations specified in Palm Beach County Ordinance No. 72-7 and in particular sub-section 30 and 34 and sections 31½-30 and 31½-34. The exemption provided by this section shall be allowed only upon the certificate of the county physician, or other ~~reputable~~ physician licensed in the State of Florida, that the applicant claiming the exemption is a confirmed ~~cripple~~ handicapped person or invalid, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow with minor dependents, or a person over sixty-five (65) years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a license which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

SECTION 5.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 28(b) and Section 31½-28(b) of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

The seating capacity and classification used by the division of hotels and restaurants of the department of business regulation under Section 509.251, Florida Statutes, shall be used in this section. ~~The division of hotels and restuarants of the department of business regulation shall furnish to the appropriate tax collector no later than August 31 of each year the count and classification to be used by the tax collector when issuing occupational licenses under this section.~~

SECTION 6.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 31(a) and Section 31½-31(a) of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

(A) Every person engaged in the business of furnishing electric power, gas or community television antennas service for a profit shall pay a license tax of:

(1) ~~300,000~~ 40,000 or more.....$562.50

(2) ~~200,000 - 299,999~~ 30,000 - 39,999 ...~~$408.75~~ $450.00

(3) ~~100,000 - 199,999~~ 20,000 - 29,999 ...~~$281.25~~ $225.00

(4) ~~50,000 99,999~~ 10,000 - 19,999 .....~~$225.00~~ $168.75

(5) ~~49,999 or less~~ 3,000 - 4,999 .....~~150.00~~ 75.00

(6) 3,000 - 4,999.....75.00

(7) 1,000 - 2,999.....45.00

(8) 999 or LESS.....30.00

SECTION 7.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 32 and Section 31½-32(a) of the Code of Laws and Ordinances of Palm Beach County is hereby deleted in its entirety:

~~(a) No person, firm or corporation shall carry on the business of an emigrant agent in this county without first obtaining a license therefor from the tax collector.~~

~~(b) The term "emigrant agent," as contemplated by this section, shall be construed to mean any person, firm or corporation engaged in hiring laborers, or soliciting emigrants in this county to be employed beyond the limits of this county; provided, however, that the provisions of this section shall not apply to the United States employment service, the war manpower commission, the division of labor and employment opportunities of the deptment of commerse, or any state or federal agency engaged in recruiting or referring laborers for employment beyond the limits of this county.~~

~~(c) Any person, firm or corporation shall be entitled to a license, which shall be good for one (1) year, upon the payment to the county tax collector the sum of one thousand eight hundred seventy five dollars ($1,875.00) which license shall be valid only in Palm Beach County.~~

SECTION 8.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 42 and Section 31½-42., of the Code of Laws and Ordinances of Palm Beach County is hereby deleted in its entirety.

~~No license shall be required for any nonprofit sponge cooperative association organized under the laws of this state.~~

SECTION 9.

Palm Beach County Ordinance No. 72-7 and in particular sub-section 51 and Section 31½-51 of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

Every person engaged in the business of owning or operating telephone systems in the county for profit shall pay a license tax according to the following schedule:

(a) On the first one thousand (1,000) phones or instruments, or fraction of one thousand (1,000), ~~thirty-cents-($0.30)~~ nineteen cents for each ($0.19) phone or instrument operated or installed;

(b) On the second one thousand (1,000) or fraction over one thousand (1,000), ~~twenty-four-cents-($0.24)~~ fifteen cents ($0.15) for each phone or

instrument operated or installed; and

(c) On all over two thousand (2,000), ~~eighteen-cents-($0.18)~~ eleven cents ($0.11) for each phone or instrument operated or installed.

Owners or managers of telephone systems operated or having installed less than one hundred (100) phones or instruments shall not be required to pay a license tax.

SECTION 10

Palm Beach County Ordinance No. 72-7 and in particular sub-section 52 and Section 31½-52 of the Code of Laws and Ordinance of Palm Beach County is hereby amended as follows:

(a) Every person engaged in the business of trading, bartering, buying, lending or selling intangible personal property, whether as owner, agent, broker or otherwise, shall pay a license tax of seventy-five dollars ($75.00) ~~($15.00)~~- for each place of business.

SECTION 11

Palm Beach County Ordinance No. 72-7 and in particular sub-section 54 and Section 31½-54 of the Code of Laws and Ordinances of Palm Beach County is hereby deleted in its entirety.

~~Owners-of-toll-bridges-shall-pay-a-license-tax-of-four-hundred sixty-eight-dollars-and-seventy-five-($468.75)-where-the-bridge-is entirely-within-the-limits-or-boundaries-of-the-county,-and-where-the bridge-joins-two-(2)-counties-a-license-tax-of-four-hundred-sixty-eight dollars-and-seventy-five-cents-($468.75)-to-Palm-Beach-County-shall-be~~

~~paid;-provided,-that-nothing-in-this-chapter-shall-apply-to-toll-bridges owned-by-any-county-or-municipality-in-the-state.~~

SECTION 12

Palm Beach County Ordinance No. 72-7 and in particular sub-section 55 and Section 31½-55 of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

(b) (2) Merchandise vending machine operators, one hundred fifty dollars ($150.00) for the privilege of engaging in such business, and shall further pay an annual license tax of one dollar and twelve cents ($1.12) ~~and-fifty-cents~~ for each machine.

SECTION 13

Palm Beach County Ordinance No. 72-7 and in particular sub-section 56 and Section 31½-56 of the Code of Laws and Ordinances of Palm Beach County is hereby amended as follows:

(a) Every person engaged in the business of operating water companies or sewage disposal companies shall pay the following license taxes in cities and towns having the following populations according to the latest official decennial census:

(1)	40,000 or more	~~$562.00~~	$562.50
(2)	30,000-39,999	$450.00	
(3)	20,000-29,999	$325.00	$225.00
(4)	10,000-19,999	~~$168.00~~	$168.75
(5)	5,000- 9,999	$150.00	
(6)	3,000- 4,999	$ 75.00	
(7)	1,000- 2,999	~~$-55.00~~	$45.00
(8)	999 or less	$ 30.00	

SECTION 14. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

SECTION 15. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be

unconstitu-tional, inoperative or void, such holding shall not affect the remainder of this ordinance.

SECTION 16. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 17. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 24th day of March, 1987.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 1st day of April, 1987.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 6th day of April, 1987, at 2:25 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on 3/24/87.
DATED at West Palm Beach, Florida 4/8/87.
JOHN B. DUNKLE, Clerk
By: _____ D.C.
Deputy Clerk